

601/1616 \$
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M. K. Mox
2/8/99

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL	
(Form is only for Continuation or Divisional applications under 37 CFR 1.53(d))	
Address to: ASSISTANT COMMISSIONER FOR PATENTS BOX CPA WASHINGTON, DC 20231	Attorney Docket No. 8867-8C Of Prior Application
	First Named Inventor: Fenderson et al.
	Examiner Name: S. Clardy
	Group/Art Unit: 1616
	Express Mail Label No. EL245786168US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d) (continued prosecution application (CPA)) of prior application number 08/911,926 filed on August 15, 1997 entitled HERBICIDAL COMPOSITIONS.

NOTES
FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.
C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).
EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.
ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.
35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney is enclosed.

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5. Information Disclosure Statement (IDS) is enclosed:

- a. ☐ PTO-1449
b. ☐ Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	10 - 20* =	0	x \$ 18 =	\$
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	2 - 3** =	0	x \$78 =	
	MULTIPLE DEPENDENT CLAIMS (if applicable)(37 CFR 1.16(d))			+ \$260 =	
	BASIC FEE (37 C.F.R. 1.16)				760.00
	Total of above Calculations =				\$
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				
	* Reissue claims in excess of 20 and over original patent. **Reissue independent claims over original patent.				
	TOTAL =				\$ 760.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed.
b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
c. ☐ is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).

8. ☒ A check in the amount of \$760.00 is enclosed.

9. ☐ New Attorney Docket Number, if desired _____

10. ☐ Other: _____

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

11. NEW CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label 000826

or ____ New correspondence address below

Attention: Andrew T. Meunier

12. SIGNATURE OF ATTORNEY

NAME: Andrew T. Meunier, Registration No. 40,726

SIGNATURE: 

TELEPHONE NUMBER: (704) 331-6000; FAX NUMBER: Charlotte Office (704) 334-2014

ALSTON & BIRD LLP

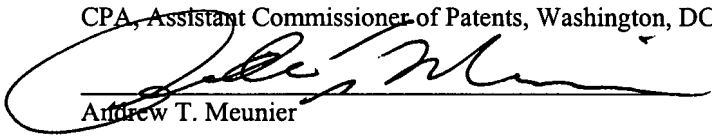
P.O. Drawer 34009

Charlotte NC 28234-4009

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Date of Deposit: February 3, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box CPA, Assistant Commissioner of Patents, Washington, DC 20231.


Andrew T. Meunier